

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CHRISTINE ZERVOS  
10 Lochwell Court  
Baltimore, Maryland 21234

\*

\*

and

\*

DEMETRIOS ZERVOS  
10 Lochwell Court  
Baltimore, Maryland 21234

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Plaintiffs

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Civil Action No.:

v.

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OCWEN LOAN SERVICING, LLC  
SERVE ON:  
CSC-Lawyers Inc. Svc. Comp.  
7 St. Paul Street, #1660  
Baltimore, Maryland 21202

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Defendant

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**NOTICE OF REMOVAL**

Defendant Ocwen Loan Servicing, LLC ("Ocwen" or "Defendant") hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1348, 1441, and 1446. In support of this Notice, Ocwen states as follows:

1. Ocwen is named as a defendant in a civil action commenced by the Plaintiffs on November 9, 2011 in the Circuit Court of Maryland for Baltimore City (the "State Court Action"). Pursuant to Sections 1441 and 1446 of Title 28 of the United States Code, Ocwen removes this case to the United States District Court for the District of Maryland, Baltimore Division, the Judicial District in which this action is pending.

2. Ocwen attaches a copy of the Docket Sheet from the State Court Action as Exhibit A and true and correct copies of all pleadings filed in the State Court Action as Exhibit B.

3. On December 2, 2011, Plaintiffs caused to be served on Ocwen via its registered agent for service of process, CSC Corporation Service Company, a copy of Plaintiffs' Complaint.

4. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as it is being filed within thirty (30) days after Ocwen first received a copy of Plaintiffs' Complaint, which is the initial pleading setting forth the claims for relief upon which the State Court Action is based.

**BASIS FOR REMOVAL -- DIVERSITY AND FEDERAL QUESTION**

5. Removal of the State Court Action to this Court is proper pursuant to 28 U.S.C. §§ 1332, 1441(a) and (b) because there was at the time of the filing of the complaint and there currently is diversity between the Plaintiffs and Defendant and the amount in controversy is well in excess of \$75,000.00 exclusive of interest, costs, and attorney's fees. Plaintiffs' Complaint alleges a variety of claims under the federal law, specifically the Fair Debt Collection Practices Act.

6. It is clear from the face of Plaintiffs' Complaint that they seek "Two Hundred Thousand Dollars (\$200,000.00) in actual damages for pain and suffering. (Compl. ¶ 22.) Plaintiff's Complaint therefore meets the \$75,000.00 amount-in-controversy requirement for diversity jurisdiction. *See* 28 U.S.C. § 1332(a).

7. Plaintiffs allege that they are citizens of Maryland. (Compl. ¶ 4.)

8. Ocwen is a limited liability company. For diversity purposes, the citizenship of a limited liability company is determined by the citizenship of its members. *Gen. Tech. Applications, Inc. v. Exro Ltda*, 388 F.3d 114, 121 (4th Cir. 2004). The sole member of Ocwen

Loan Servicing, LLC is Ocwen Financial Corporation, which is a citizen of Florida. Therefore, Ocwen is a citizen of Florida for purposes of diversity jurisdiction.

9. Because there was diversity of citizenship between Plaintiffs and the only defendant, Ocwen both at the time the complaint was filed and currently, this Court has subject matter jurisdiction over this action.

10. Further, this action arises under and presents substantial questions of federal law under the federal Fair Debt Collection Practices Act, codified at 15 U.S.C. § 1692, et seq. (*See* Compl. ¶¶ 20-22). Plaintiffs' claims in this action arise under federal law, which is apparent on the face of the Complaint. Therefore, removal of this entire cause is therefore proper under 28 U.S.C. § 1441(b),(c) and the Court has supplemental jurisdiction over Plaintiffs' state law claims. 28 U.S.C. § 1367.

#### VENUE

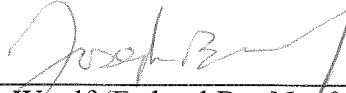
11. Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a) because this district and division embrace the Circuit Court of Maryland for Baltimore City, the forum in which the removed action was pending.

#### NOTICE

12. Concurrently with the filing of this Notice, Ocwen will file a copy of this Notice of Removal with the Clerk of the Circuit Court of Maryland for Baltimore City, Maryland. A copy of the Notice of Filing of Notice of Removal filed in the state court is attached as Exhibit C.

13. The contents of Exhibit B constitute the entire file of Civil Action No. 24-C-11-007102 in the Circuit Court of Maryland for Baltimore City, Maryland.

Respectfully submitted,



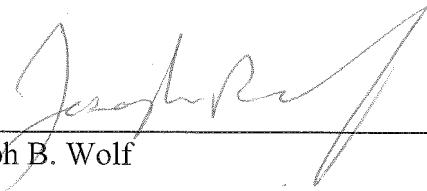
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*Attorneys for Defendant Ocwen Loan Servicing, LLC*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29<sup>th</sup> day of December, 2011, a copy of Defendant's  
Notice of Removal was mailed, via first-class mail, postage prepaid to:

Lauren M. Geisser  
Charles A. Gilman, L.L.C.  
108 W. Timonium Road, Suite 203  
Timonium, Maryland 21093  
**Attorneys for Plaintiffs**



Joseph B. Wolf